

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

KELLY CRAWFORD, IN HIS CAPACITY
AS RECEIVER,

Plaintiff,

v.

DAVID BLEEDEN, et al.,

Defendants.

Case No.: 3:21-cv-02181-L

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT KYLE D. SANNA; AND
DEMAND FOR JURY TRIAL**

Defendant Kyle D. Sanna (“Defendant”) hereby answers the complaint (“Complaint”) of plaintiff Kelly Crawford, in his capacity as receiver (“Plaintiff”), as follows:

**I.
SUMMARY**

1. Defendant denies the allegations of paragraph 1.

**II.
RECEIVERSHIP**

2. Defendant admits that this Court entered the order set forth as Exhibit A to the Complaint (“Receivership Order”) and denies the remaining allegations of paragraph 2.
3. Defendant admits the allegations of paragraph 3.
4. Defendant admits that the quoted language exists in the Receivership Order and denies the remaining allegations of paragraph 4.
5. Defendant denies the allegations of paragraph 5.
6. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 6 and on that basis denies them.

III.
PARTIES

7. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 7 and on that basis denies them.

8. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 8 and on that basis denies them.

9. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 9 and on that basis denies them.

10. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 10 and on that basis denies them.

11. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 11 and on that basis denies them.

12. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 12 and on that basis denies them.

13. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 13 and on that basis denies them.

14. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 14 and on that basis denies them.

15. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 15 and on that basis denies them.

16. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 16 and on that basis denies them.

17. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 17 and on that basis denies them.

18. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 18 and on that basis denies them.

19. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 19 and on that basis denies them.

20. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 20 and on that basis denies them.

21. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 21 and on that basis denies them.

22. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 22 and on that basis denies them.

23. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 23 and on that basis denies them.

24. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 24 and on that basis denies them.

25. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 25 and on that basis denies them.

26. Defendant admits that he is an individual and denies the remaining allegations of paragraph 26.

27. Defendant admits that Hurricane Holdings, Inc. is a corporation organized under the laws of the State of California and denies the remaining allegations of paragraph 27.

28. Defendant admits that LTK Marketing, LLC is a limited liability company organized under the laws of California and denies the remaining allegations of paragraph 28.

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29. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 29 and on that basis denies them.

30. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 30 and on that basis denies them.

31. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 31 and on that basis denies them.

32. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 32 and on that basis denies them.

33. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 33 and on that basis denies them.

34. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 34 and on that basis denies them.

35. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 35 and on that basis denies them.

36. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 36 and on that basis denies them.

37. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 37 and on that basis denies them.

38. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 38 and on that basis denies them.

39. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 39 and on that basis denies them.

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40. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 40 and on that basis denies them.

41. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 41 and on that basis denies them.

42. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 42 and on that basis denies them.

43. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 43 and on that basis denies them.

44. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 44 and on that basis denies them.

45. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 45 and on that basis denies them.

46. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 46 and on that basis denies them.

47. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 47 and on that basis denies them.

48. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 48 and on that basis denies them.

49. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 49 and on that basis denies them.

50. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 50 and on that basis denies them.

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51. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 51 and on that basis denies them.

IV.
JURISDICTION

52. Paragraph 52 consists solely of legal conclusions that do not require a response. To the extent a response is required, Defendant denies the allegations of paragraph 52.

53. Paragraph 53 consists solely of legal conclusions that do not require a response. To the extent a response is required, Defendant denies the allegations of paragraph 53.

V.
VENUE

54. Paragraph 54 consists solely of legal conclusions that do not require a response. To the extent a response is required, Defendant denies the allegations of paragraph 54.

VI.
FACTUAL BACKGROUND

55. Defendant denies the allegations of paragraph 55.

56. Defendant denies the allegations of paragraph 56.

57. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 57 and on that basis denies them.

58. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 58 and on that basis denies them.

59. Defendant denies the allegations of paragraph 59.

60. Defendant denies the allegations of paragraph 60.

61. Defendant denies the allegations of paragraph 61.

62. Defendant denies the allegations of paragraph 62.

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63. Defendant admits that he made calls to potential customers and denies the remaining allegations of paragraph 63.

64. Defendant denies the allegations of paragraph 64.

65. Defendant admits that Metals.com offered customers the opportunity to open self-directed retirement accounts (“SDIRAs”) and denies the remaining allegations of paragraph 65.

66. Defendant admits that customers opened SDIRAs and made transfers. Defendant denies the remaining allegations of paragraph 66.

67. Defendant denies the allegations of paragraph 67.

68. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 68 and on that basis denies them.

69. Defendant denies the allegations of paragraph 69.

70. Defendant admits that coins and bars were sold through Metals.com and denies the remaining allegations of paragraph 70.

71. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 71 and on that basis denies them.

72. Defendant denies the allegations of paragraph 72.

73. Defendant denies the allegations of paragraph 73.

74. Defendant denies the allegations of paragraph 74.

75. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 75 and on that basis denies them.

76. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 76 and on that basis denies them.

77. Defendant denies the allegations of paragraph 77.

78. Defendant denies the allegations of paragraph 78.

79. Defendant denies the allegations of paragraph 79.

80. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 80 and on that basis denies them.

81. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 81 and on that basis denies them.

82. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 82 and on that basis denies them.

83. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 83 and on that basis denies them.

84. Defendant denies the allegations of paragraph 84.

85. Defendant denies the allegations of paragraph 85.

86. Defendant admits that numismatic bullion and semi-numismatic bullion are terms used to describe precious metal coins and denies the remaining allegations of paragraph 86.

87. Defendant denies the allegations of paragraph 87.

88. Defendant denies the allegations of paragraph 88.

89. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 89 and on that basis denies them.

90. Defendant denies the allegations of paragraph 90.

91. Defendant denies the allegations of paragraph 91.

92. Defendant denies the allegations of paragraph 92.

93. Defendant denies the allegations of paragraph 93.

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94. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 94 and on that basis denies them.

95. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 95 and on that basis denies them.

96. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 96 and on that basis denies them.

97. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 97 and on that basis denies them.

98. Defendant denies the allegations of paragraph 98.

99. Defendant denies the allegations of paragraph 99.

100. Defendant admits that he was paid commissions and denies the remaining allegations of paragraph 100.

101. Defendant admits that he was paid commissions and denies the remaining allegations of paragraph 101.

102. Defendant admits that he was paid commissions and denies the remaining allegations of paragraph 102.

103. Defendant denies the allegations of paragraph 103.

104. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 104 and on that basis denies them.

105. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 105 and on that basis denies them.

106. Defendant denies the allegations of paragraph 106.

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CAUSES OF ACTION

COUNT 1: VOIDABLE / FRAUDULENT TRANSFER – ACTUAL FRAUD

107. Defendant realleges and incorporates by reference his responses to paragraphs 1 through 106.

108. Defendant denies the allegations of paragraph 108.

109. Defendant denies the allegations of paragraph 109.

110. Defendant denies the allegations of paragraph 110.

111. Defendant denies the allegations of paragraph 111.

112. Paragraph 112 consists solely of a request for relief by Plaintiff that does not require a response. To the extent a response is required, Defendant denies the allegations of paragraph 112.

COUNT 2: VOIDABLE / FRAUDULENT TRANSFERS – CONSTRUCTIVE FRAUD

113. Defendant realleges and incorporates by reference his responses to paragraphs 1 through 112.

114. Defendant denies the allegations of paragraph 114.

115. Defendant denies the allegations of paragraph 115.

116. Defendant denies the allegations of paragraph 116.

117. Defendant denies the allegations of paragraph 117.

118. Paragraph 118 consists solely of a request for relief by Plaintiff that does not require a response. To the extent a response is required, Defendant denies the allegations of paragraph 118.

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COUNT 3: UNJUST ENRICHMENT – CONSTRUCTIVE TRUST

119. Defendant realleges and incorporates by reference his responses to paragraphs 1 through 118.

120. Defendant denies the allegations of paragraph 120.

121. Defendant denies the allegations of paragraph 121.

122. Paragraph 122 consists solely of a request for relief by Plaintiff that does not require a response. To the extent a response is required, Defendant denies the allegations of paragraph 122.

COUNT 4: MONEY HAD AND RECEIVED

123. Defendant realleges and incorporates by reference his responses to paragraphs 1 through 122.

124. Defendant denies the allegations of paragraph 124.

125. Paragraph 125 consists solely of a request for relief by Plaintiff that does not require a response. To the extent a response is required, Defendant denies the allegations of paragraph 125.

COUNT 5: ATTORNEY'S FEES

126. Paragraph 126 consists solely of a request for relief by Plaintiff that does not require a response. To the extent a response is required, Defendant denies the allegations of paragraph 126.

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AFFIRMATIVE DEFENSES

1. The Complaint and each and every cause of action alleged therein, fails to state facts sufficient to constitute a cause of action against Defendant.

2. The Complaint, and each and every cause of action alleged therein, is barred, in whole or in part, by the equitable doctrines of waiver, estoppel, unclean hands and/or laches.

3. The Complaint, and each and every cause of action alleged therein, is barred, in whole or in part, by the applicable statute(s) of limitations.

4. Plaintiff lacks standing to pursue the causes of action against Defendant as alleged in the Complaint.

5. Any and all allegedly fraudulent transfers to Defendant are not voidable as they were received in good faith and in exchange for reasonably equivalent value.

6. Defendant has asserted all known special or affirmative defenses available to him based on his present understanding of Plaintiff's allegations. Defendant reserves the right to supplement his identification of additional defenses as more facts are ascertained during discovery.

PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests that this Court enter judgment:

- A. In favor of Defendant and against Plaintiff on all claims in the Complaint;
- B. Awarding Defendant his costs of suit incurred herein, including reasonable attorney's fees where available; and
- C. Awarding Defendant such other and further relief as this Court deems just and proper.

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DEMAND FOR JURY TRIAL

Defendant hereby demands a jury trial on all matters and issues triable of right by a jury in this action.

DATED: December 13, 2021

Respectfully submitted,

s/ Colin A. Hardacre
Admitted Pro Hac Vice
THE LAW OFFICES OF
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Attorneys for Defendant,
Kyle D. Sanna

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 13, 2021, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system, which sent a “Notice of Electronic Filing” to all attorneys of record, in accordance with the Federal Rules of Civil Procedure.

s/ Colin A. Hardacre